

APPROVED: Meeting No. 09-97

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 42-96

November 25, 1996

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on November 25, 1996 at 7:35 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Mayor Krasnow announced that the Mayor and Council had met earlier in Executive Session for the purpose of consulting with counsel to obtain legal advice. In order to conclude those discussions, the Mayor and Council will reconvene back into Executive Session following the adjournment of the General Session.

Re: City Manager's Report

1. Mr. Kuckkahn thanked residents who appeared at the November 18, 1996 Public Hearing on the Watts Branch sewer issue. He said that the large turnout indicated the importance of the issue to the neighborhood. Mr. Kuckkahn emphasized that staff was prepared to invest whatever resources were necessary to explore any of the options in order to assure that the best possible project resulted for all of those concerned.

2. The Recreation and Parks Department received the Honor Award in the 24th Annual Professional Grounds Maintenance contest. The City finished among some very prestigious organizations including the Pentagon, George Washington University, the Mirage Hotel, the Broadmore Hotel, which is a five star facility in Colorado Springs, and Disneyland.

3. The Rockville Police Department was awarded the 1996 National League of Cities Excellence in Community Policing Award. The award recognizes local officials for innovative and exemplary efforts in community policing and focuses attention on the many successful policing programs that are being implemented in cities in towns throughout the country. The award will be presented at the NLC Congress of Cities Convention on December 10th.

4. The City's annual Holiday Drive was a big success. Food baskets were distributed to various residents throughout the City. The annual effort is supported by a host of volunteers who collect food, package it and distribute the baskets to Rockville residents.

5. The Police Department recently held two significant graduations. The Senior Citizens Police Academy graduated 15 students from a six week course. Seventy-two students from Lakewood Elementary School graduated from the DARE Program.

6. Copies of the Comprehensive Annual Financial Report are now available. This document is one of the most important sources of information for City officials to gauge the extent of sound financial management and reporting practices which are being

applied to protect the public interest. Mr. Kuckkahn said that the results for the year ending June 30, 1996, reflect staff's continuing commitment to this objective.

7. Copies of the Affirmative Action Plan Biannual Report for the period January 1 through June 30, 1996 have been distributed. Mr. Kuckkahn said that in addition to the information contained therein, staff continues to identify and promote the filling of positions with minority and female applicants in areas where under-utilization may exist. In addition, the City meets the Plan's objectives by informing and working with interviewers and hiring supervisors for every regular position vacancy filled by the City. Representatives of the Personnel Department review all recruitment criteria and sit in on all interview panels to assure adherence to the spirit of the Plan. All of the City's supervisors have completed re-training on the Affirmative Action Plan.

8. The community forums for the Mayor and Council's initiative, "Imagine Rockville," attracted over 100 residents to share their view of the challenges and opportunities facing Rockville today and their vision for the City ten years from now. Consultants have compiled all the information that was recorded during the forums, and a report will be provided to Search Conference participants. Persons interested in obtaining copies of the report or participating in "Imagine Rockville" are encouraged to contact Deputy City Manager Julia Novak at 309-3302. Information can also be accessed on-line on the City's web page: WWW.Rockville.org.

9. Mr. Kuckkahn asked that Consent Agenda Item B be removed from the agenda in order to allow time for staff to prepare a presentation on the City's current vehicle fleet policy.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Gloria Atlas, 1123 Halesworth Drive, spoke as Co-chair of the Rockville Public Safety Coalition, regarding the draft report of the Reuse Task Force for Montgomery County Detention Center. She thanked the Mayor and Council for their support on the issue and she expressed appreciation to Councilmember Wright and Chief Treschuk for their participation in the Task Force. Ms. Atlas reported in detail the proposed uses recommended in the Task Force's draft report. She also expressed the Public Safety Coalition's position on the recommendations. Ms. Atlas said that she hoped that the Mayor and Council would continue their involvement and express to the County the residents' concerns with regard to a permanent use permit for the Central Processing Unit. Ms. Atlas noted that the Coalition's report on the pilot project was previously submitted to the Mayor and Council. She said that the Public Safety Coalition concluded that the CPU pilot project had not met its own goals.

On behalf of the Mayor and Council, Councilmember Wright, thanked Ms. Atlas and Ms. Schoenfeld, Co-chairs of the Public Safety Coalition for their efforts.

2. Dick Haight, Senior Center Member said he took offense at the residents who threatened that the Mayor and Council would not be re-elected if they did not vote a

certain way on the Watts Branch sewer issue. Mr. Haight also expressed concern about the City's decision to not extend the lease of the Potomac Nursery School to allow them to remain in the Senior Center facility. Mr. Haight said that he felt that the City of Rockville needed a historian and he offered to serve the City in this capacity. He also suggested that Welcome to Rockville signs were needed at the City's gateway entrances.

3. Jim Reschovsky, Aster Boulevard referred to Environmental Quality Resources' report that the Mayor and Council received from at the November 18 Public Hearing. He said that the consultants tried to place an economic value on the destruction of the woods that would be engendered by Alternative 4, 4A of the King Farm Sewer project. Mr. Reschovsky submitted his own critique of the consultant's report and he said that the consultants brief analysis applied what he characterized as "inappropriate methods."

4. Suzanne Fisher, Peerless Rockville distributed copies of Peerless' most recent publication, "F. Scott Fitzgerald's Rockville - A Guide to Rockville Maryland in the 1920s." The publication was done to commemorate the F. Scott Fitzgerald Centennial year and was made possible by a grant from the City of Rockville, Cultural Arts Commission, and the Montgomery County Historical Preservation Commission. The Guide was written by Eileen McGuckian and Lisa Greenhouse.

5. Thomas Curtis, Lindley Terrace expressed concern about the residents being evicted from the Blandford Apartments by Casey Management. He questioned whether the City should share some responsibility in the matter since, in his opinion, it failed to

take action on each code violation. Mr. Curtis urged the Mayor and Council to take legal and administrative actions to preserve the valuable housing resource.

6. Dennis Cain, 502 Carr Avenue (Chair of the Traffic and Transportation Commission) noted that Agenda Item #6 was adoption of an Ordinance to amend the requirements for snow and ice removal from sidewalks and other public areas. Mr. Cain expressed the concerns and interest of the Traffic and Transportation Commission in the snow removal issue. Mr. Cain noted that the proposal to modify current regulations was not shared with the Commission, and he requested that the Mayor and Council defer adoption of the Ordinance until they had an opportunity to read and comment on the proposed changes.

7. Jackie Simon, Professional Realtor said that she and other realtors were attempting to assist the Blandford Apartment residents with relocation efforts. She said that they were experiencing difficulties due to the unreasonable requirements County landlords were placing on the residents in the application process. Ms. Simon noted some of the other problems they are facing, e.g., lack of cash for security deposits and application fees. In addition, she said that informational materials distributed to tenants were being removed by the management company. She said that the evictions and the need to relocate so many people were a big problem shared by all and everyone had some responsibility for trying to find a solution.

8. Reverend Mansfield Kaseman, 704 Carter Road said that the Blandford evictions are a very complicated issue. He is working with a group that hopes to develop

a financial package for the corporation interested in buying the Blandford property.

Reverend Kaseman reported on a meeting with a newly elected officer of the Blandford Tenants Association, housing experts, Rockville officials, and County representatives.

Reverend Kaseman also noted that Community Ministries planned to hold a candlelight vigil to show support for the tenants.

9. Bill Meyer, 804 Leverton Road commented on the following issues:

(a) He was glad to see the backhoe equipment on Wootton Parkway finally removed. (b) He asked about the "temporary" nature of the pole mounted transformer on the distribution lines, that the Mayor and Council authorized to be rerouted above ground. Mr. Kuckkahn said staff was awaiting PEPCO's response on this issue. (c) Regarding the Mayor and Council's October 5th Walking Town Meeting, Mr. Meyer asked for a response about the phone line crossing Cabin John Creek which was now attached to the fence in the Villages of Tower Oaks. The lines are one large cable extending to the east and six cables following a fence off to the west. He asked when Bell Atlantic was going to begin their above ground service along Cabin John Creek and their underground service along Wootton Parkway. (d) Another question raised at the Walking Town Meeting involved the infiltration facilities, specifically at West Edmonston and Ritchie Parkway. Mr. Meyer said the infiltration facility never drained in the 72 hour period as required by Department of Environmental Protection regulations. (e) Mr. Meyer echoed Mr. Cain's earlier request that the Mayor and Council defer adoption of the snow removal policy ordinance.

Councilmember Wright expressed appreciation to Mr. Meyer for bringing the issues to the City's attention, and he encouraged all citizens who see issues in their community to bring such matters to the Mayor and Council's attention.

Regarding the infiltration facility issue, Mr. Kuckkahn reported that staff was aware of the continuing problem and was again looking at the problem from an engineering perspective. He said that staff would give the Mayor and Council and Mr. Meyer a full report on the issues he raised.

10. Diane Olechna inquired what the Mayor and Council's plans would be on the Watts Branch sewer issue. Mayor Krasnow noted that the issue would be discussed and staff would be instructed as to the type of follow-up that should take place.

11. Phyllis Fordham also expressed an interest in hearing what the Mayor and Council's instructions to staff would be. She said that she hoped they would instruct staff to disregard any thoughts of putting the sewer line through the woods. She also hoped that the Mayor and Council would appoint a citizens advisory committee from the neighborhood.

Re: Consent Agenda

Councilmember Marrinan requested removal of Item C. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the following item was approved:

- (A) Award of Bid #26-97
To: Hughes Group Architects
Of: Reston, Virginia
In the amount of: \$80,881

For: Architectural and engineering services, including site selection, design development, and construction drawings for the Twinbrook Community Recreation Center.

- (B) **REMOVED PER CITY
MANAGER'S REQUEST**

Re: Item (C) - Introduction of Ordinance to amend Ordinance Number 9-96 appropriating funds and levying taxes for Fiscal Year 1997.

Each fall, the appropriations ordinance is amended to provide funding for encumbrances which were outstanding at the end of the previous fiscal year.

Councilmember Marrinan pointed out two of the appropriations; \$17,000 to a capital project involving the Town Center Redevelopment, and \$60,000 for an emergency capital project in the Redgate Golf Course Fund. He asked what the two appropriations were actually for. Mr. Kuckkahn explained that the \$17,000 appropriation was money to the Town Center Redevelopment project fund as a result of a rebate given to the City for recabbling work done in Town Center. Regarding the \$60,000 emergency capital projects appropriation at the Redgate Golf Course, Mr. Kuckkahn said that there was some concern over the income from the golf course due to snow and weather

conditions. The issue resolved itself and the appropriation was being used for a series of potholes and problems with the parking area as well as the storm water management facilities being repaired at the golf course. Councilmember Marrinan asked that staff provide explanations for these types of expenditures in advance, especially for Consent Agenda items.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Ordinance to amend Ordinance Number 9-96 was introduced.

Re: Amendment to Pension Plan to provide the cost of living adjustment for retirees.

On October 29, the Retirement Board recommended an increase of 1.5% pensions paid to retirees, effective January 1, 1997.

Finance Director Kevin Deckard noted that the amendment being proposed to the Pension Plan had no impact on the City's budget. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the amendment to the Pension Plan to provide a cost of living adjustment for retirees, was approved.

Re: Adoption Of Ordinance to amend Chapter 5, "Buildings and Building Regulations," Article XII, "Property Maintenance Code," so as to amend the requirements for snow and ice removal from sidewalks and other public areas.

Without objection, the Mayor and Council tabled adoption of the Ordinance in order to allow sufficient opportunity for the Traffic and Transportation Commissioners to review the proposed change in policy.

Re: FYI/Correspondence

1. Councilmember Wright said that one comment heard at the Watts Branch Public Hearing was mention of Rockville's designation as a Tree City - U.S.A. Mr. Wright emphasized that the City was interested in trees and justly deserved the Tree City - U.S.A. designation. He pointed out that the City provided trees for the Rose Hill Falls and Roxboro neighborhoods which had offered to plant the trees along a piece of land where some water mains had to be installed to serve Rose Hill.

2. Councilmember Dorsey noted FYI Item #4 regarding the Service Request Coordinator position. He reminded residents that they can call 309-3309 to report any problems with services provided by the City.

3. Councilmember Marrinan noted two items of interest to Rockville citizens. The Council of Governments (COG) prompted a review of how the region should handle snow clearing and removal operations. COG developed a system to explain to citizens in the region what to expect when a snowfall is predicted. Mr. Marrinan displayed COG's Winter Storm Travel Guide which outlined five categories of severity of weather and a weather advisory guide for plowing on major roads as well as information about bus and rail routes.

Councilmember Marrinan noted that COG's Human Services/Public Safety Policy Committee issued findings and recommendations on a three point crime plan. The Committee identified that there are three crime problems in the region which were a major concern: motor vehicle theft, hate crime, and juvenile crime. There has been a 15 percent increase in motor vehicle thefts, a fair number of hate crimes, and juvenile crime is on the increase. The number of crimes committed with firearms is also increasing at an alarming rate. The Committee produced a plan which was adopted by COG's Board of Directors. The plan will address some of the concerns about the issues. It was noted that Councilmember Marrinan serves as a member of the COG Board of Directors and Councilmember Dorsey is a member on the Human Services Committee.

4. Regarding FYI Item #3, Mayor Krasnow said that the City received many positive responses on the speedhump program. Mayor Krasnow asked that staff continue to publicize the procedure that neighborhoods should undertake in order to get on the list of locations under review for speed humps. Mayor Krasnow also asked that the Mayor and Council receive a report from the City's Traffic Engineer and the Traffic and Transportation Commission of their perceptions on the effects of the speedhump program.

Mayor Krasnow said that a potential problem existed with the new Maryland Avenue south. Vehicles coming south on Maryland and continuing across Jefferson do not have a clear view of whether it is safe to proceed because of oncoming traffic going straight through or turning. Mayor Krasnow asked that staff look into the matter.

5. Councilmember Wright noted that staff had prepared a map of all the sidewalks in the City which were the City's responsibility for removal of snow. Mr. Wright asked that the map be widely publicized and made available for those wishing to see it. Councilmember Marrinan suggested that the information also be included in Rockville Reports.

Re: New Business - Watts Branch
Sewer Issue

Councilmember Harrison said that at the November 18 Public Hearing, the Mayor and Council heard several hours of testimony by Rockville residents about the park land surrounding the Watts Branch. Mr. Harrison said that after hearing dry technical analysis by the City's consultants, the citizens' testimony was both welcome and compelling. Mr. Harrison said that he did not believe that City staff made the case for destroying the invaluable canopy that crowned the forrest and covered the Little Upper Watts Branch Park. He said the City's proposal was cheap and would benefit the developer by keeping his cost low, but he said that he did not believe the proposal was in the City's best interest. During the King Farm hearings, when the Mayor and Council considered the Comprehensive Planned Development application, they were assured by the developer and by staff that the sewer would not be an issue and that WSSC and the King Farm would be responsible. Mr. Harrison said that he could not support any proposal that would have the City bear the environmental impacts or the financial burden which belonged to the King Farm. Those that stood to gain financially from the King Farm ought to be willing to cover the cost of the development. Mr. Harrison said that he and

Councilmember Dorsey sent a letter to the editor of The Montgomery Journal. The letter outlined Mr. Dorsey and his opposition to staff's sewer proposal and any proposal which would go through the stream valley. Mr. Harrison said that the Mayor and Council should permanently remove Alternative 4, 4A from consideration. He said that the City could help WSSC and the King Farm to locate a better route that they pay for and build. Mr. Harrison said that some might say that if Option 4, 4A was challenged, the costs of the sewer would then fall on the West End, Twinbrook, or Lincoln Park residents. Should the City have to face such costs, these can be reapportioned back to the King Farm, the Thomas Farm, or the development site, via a special development tax applicable to those properties. Mr. Harrison said that he thought the City's disproportionate emphasis on Alternative 4, 4A as being the best route would lead the WSSC and the developer to feel that any other route would be a burden. He said that he thought they would resist the pump-around option or other solutions that were far less devastating to the environment.

Councilmember Harrison moved that the Mayor and Council eliminate Alternative 4, 4A and appoint a citizens group to assist the City in developing alternatives. The motion was seconded by Councilmember Dorsey.

Councilmember Wright said that he could not support any motion that would remove an alternative that could possibly make the rest of Rockville pay higher taxes (sewer rates). Mr. Wright said that there was still a great deal of work to be done and there were other possibilities which were available. He said that if the burden had to

fall on the citizens of Lincoln Park, Rockshire, Twinbrook and Montrose, then he could not support the motion.

Councilmember Marrinan said that in his view, it was clear that the Mayor and Council's Alternative 4, 4A had become a low priority in how they would proceed. However, he pointed out that they were still in the middle of the process and to remove any option without relooking at all of the options would be premature. Mr. Marrinan said that there were also additional options that needed to be reviewed. He felt that the option of a sewer line across the Thomas Farm and down Wootton Parkway, in the unused portion of the Parkway not yet built upon, was worth looking at. Mr. Marrinan also said that the Mayor and Council should explore the idea of having a citizens advisory group involved in the process. Councilmember Marrinan stated that he could not support the motion as offered.

Councilmember Dorsey said that he was not surprised by any of the comments he heard at the November 18 Public Hearing, although some of the strength of the language and emotions stayed with him for several hours. He said that he was disappointed that so many speakers thought that the decision had been made. Mr. Dorsey emphasized that some speakers assumed incorrectly how the Mayor and Council felt about the issue. He said that at this point, he was not convinced that irreparable harm would not be done to the forest. Mr. Dorsey said that he did not want to consider the options which meant destroying the canopy of the Watts Branch forest, and he said that he supported Councilmember Harrison's motion to remove Option 4, 4A from consideration.

Mayor Krasnow said that she was not prepared at this time to remove Option 4, 4A from consideration. She said it was interesting that the same citizens who were so upset that our staff locked onto an alternative, were now equally convinced that the Mayor and Council should lock onto another alternative, again, before all the information was available. Ms. Krasnow said that the Mayor and Council were elected to make decisions they believed to be in the best interest of the entire City. The process that they have followed for years ensures that input will be gained from staff, our citizens, and when necessary, from outside experts. Without input from the three sources, the information necessary to make a good decision was unavailable. Whenever an issue is controversial, it generated distrust among the parties. Ms. Krasnow said that she hoped that everyone involved was willing to step back and recognize that at this point, no decision had been made. Staff was quick to admit that when they saw the cost increases generated by the pump around alternative, they tended to focus more on a gravity flow sewer through the stream valley. Just as quickly, the public joined together to say that the trees in the stream valley had a high intrinsic value and that they should not be destroyed. The Mayor said that both points of view had a great deal of merit and she could not make a good decision until she had a better understanding of the cost sharing that would be worked out among the King Farm, WSSC, and possibly the citizens of Rockville. She also said that she could not make a good decision until she understood exactly where the line would go if they chose a pump around alternative and whether there were other Rockville citizens adversely affected by the pump around alternative. Mayor Krasnow said

that even if the sewer was not put through the stream valley, there would still be cause to do much of the same environmental damage when the City sought to restore the stream. There seemed to be a great deal of misunderstanding about what was involved in doing stream restoration of the Watts Branch Creek, but it was important to bring citizens into the process so that they were aware of what the stream restoration involved. Mayor Krasnow said that the problems faced by the Mayor and Council were very complex, however, there was time to work these out, and they needed the citizens' cooperation.

The Mayor and Council agreed that a group involving citizens, staff, and additional, new or other outside experts (if necessary), was needed to develop a solution acceptable to all. Councilmember Wright said that other communities in Rockville should be invited to participate in any group being developed to evaluate the process.

Councilmember Dorsey suggested that it might be possible to follow the West End Civic Association's model used for their recent cooperative planning effort--that is, to have a representative of the developer and WSSC take part in the committee. Staff was asked to report back to the Mayor and Council on the best way to establish a task force.

The motion to eliminate Alternative 4, 4A from consideration failed by a 3 to 2 vote. Mayor Krasnow and Councilmembers Marrinan and Wright voted "nay" and Councilmembers Dorsey and Harrison voted "aye."

Re: Adjournment to Continue
Executive Session Began Earlier
in the Evening.

Pursuant to Section 10-508(a)(7) of the State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice, the Mayor and Council adjourned the General Session at 9:17 p.m., in order to continue the Executive Session began earlier.